



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/070,102
Applicants : DADD, ET AL.
Filed : FEBRUARY 28, 2002
Title : DOUBLE STYLET INSERTION TOOL FOR A COCHLEAR IMPLANT
ELECTRODE ARRAY
Art Unit : 3766
Examiner : REIDEL, JESSICA L.
Atty Docket No. : COCH-0043-US1

TERMINAL DISCLAIMER
RESPONSIVE TO A PROVISIONAL DOUBLE PATENTING REJECTION

Sir:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

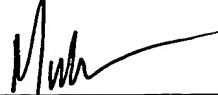
Cochlear Limited, is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of an assignment, recorded on July 8, 2002 at reel 013213, frame 0015.

Cochlear Limited hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Number **10/416,643**, filed on September 28, 2001. The owner, Cochlear Limited., hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on the applications commonly owned. The legal title to said patent shall be the same as the legal title to United States Application No. **10/416,643**. This agreement runs with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Cochlear Limited. does not disclaim any terminal part of any patent granted on the above-captioned application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of United States Application No. **10/416,643**, in the event that it later: expires for failure to pay a maintenance fee, is held

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,



Michael G. Verga
Reg. No. 39,410

Jagtiani + Gutttag

Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

November 13, 2006